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Infrastructure, environment, facilities

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Subject:

Proposed Administrative Settlement and Order on Consent for Removal Action,
Docket No. CERC -03-2008-0092DC (AOC),
Bally TCE Superfund Site (Site), Bally, Berks County, Pennsylvania

Dear Ms. Guy:

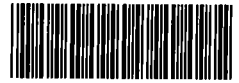
ARCADIS is providing this Letter of Comment on behalf of American Household, Inc. (AHI), formerly known as Sunbeam Corporation, the Respondent, in the above entitled AOC.

As a preliminary matter, please be advised that we believe the Federal Register publication notice may be defective. The notice provides that comments should be addressed to you and should "refer to the Malvern TCE Superfund Site, East Whiteland Township, Chester County, Pennsylvania." Therefore, it is very possible that any comments with respect to the Bally Site may have been misdirected. Despite the possible defective nature of the publication and the possible need to re-publish a correct notice, AHI is providing this Letter of Comment with what it believes to be the correct reference.

The AOC requires AHI to, inter alia, "[p]revent subslab soil vapor from migrating into the Impress Industries tenant space and Luciana and Son tenant space through design, construction and operation of a system (the "system") that shall reduce indoor air concentrations of Site-related hazardous substances to levels which represent risk levels at or below 1E4 (cancer risk) and 1 (hazard index, non-cancer risk)." AOC, Paragraph 8.3.

At the time AHI executed the AOC, ARCADIS had based its risk assessment for trichloroethylene (TCE) on a provisional inhalation cancer slope factor (CSF) from the United States Environmental Protection Agency (USEPA 2001) draft Trichloroethylene Health Risk Assessment: Synthesis and Characterization. USEPA's risk assessment continues to undergo review and revisions. However, USEPA (2008a) has recently published Regional Screening Levels for TCE based on

Imagine the result



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ENVIRONMENTAL

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August 21, 2008

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a joint effort between Regions 3 and 9. ARCADIS has recalculated the risks for the Impress area based upon the toxicity values and equations provided in the Regional Screening Level tables. Based upon that recalculation, the performance standard contained in Paragraph 8.3 has been met. In other words, the calculated risk levels are at or below $1E4$ (cancer risk).

USEPA's comments on the new Regional Screening Levels indicate that cancer risks dominate the evaluation of TCE and as such, evaluation of noncancer endpoints is not necessary. Similar to other constituents without available noncancer toxicity values, noncancer hazards are not considered to be significant and overall site risks are evaluated solely on the results of the cancer risk calculations. As USEPA has not finalized or identified any noncancer toxicity values for TCE, it must be assumed that noncancer endpoints are insignificant compared to carcinogenic effects. Moreover, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) allows the evaluation of cancer risks between 1×10^{-4} to 1×10^{-6} . In the absence of noncancer toxicity values, there is no threshold at which noncancer hazards would need to be considered. USEPA's documentation for the Regional Screening Levels does not indicate an additional threshold at 1×10^{-5} and there is no precedent to support this assertion in the absence of noncancer toxicity values (as is the case with TCE).

In email discussions with USEPA concerning this issue, USEPA referred to the New York State Department of Health (NYSDOH 2006) indoor air guideline for TCE as a way to evaluate noncancer endpoints. This guideline is neither an applicable or relevant and appropriate requirement (ARAR) for this site, nor a regional recommended value. We are not aware of any promulgated Region III recommended noncancer toxicity values for TCE. If USEPA believed that the toxicity values identified by NYSDOH or the National Center for Environmental Assessment (NCEA) were appropriate for evaluating noncancer endpoints, then these would have been included in the Regional Screening Level table (USEPA 2008a). Instead, the absence of these values indicates that noncancer endpoints do not need to be evaluated. USEPA Region III appears to concur with this decision as the website states, "beginning in spring 2008, Region III will rely for its RBC Table updates on the Regional Screening table developed by Oak Ridge National Laboratory under an Interagency Agreement with EPA".

(<http://www.epa.gov/reg3hscd/risk/human/index.htm>)

USEPA has indicated in its response to frequently asked questions that it has not identified noncancer toxicity values for TCE because cancer risk considerations are

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protective of noncancer risks as well.; again concurring with the decision not to evaluate noncancer hazards.

Frequently Asked Question (FAQ) #19: What toxicity values are used for TCE?

TCE currently has no USEPA consensus toxicity value, and multiple estimates of TCE risk may be appropriate. Consult your regional risk assessor to determine whether your region or state has recommended TCE values.

The toxicity hierarchy discussed in this FAQ was followed and the resulting toxicity values, except for the reference concentration (RfC), for TCE are from the California Environmental Protection Agency/Office of Environmental Health Hazard Assessment's toxicity values:
(<http://www.oehha.ca.gov/risk/ChemicalDB/index.asp>)

After evaluating the Tier 3 sources for noncarcinogenic toxicity values, we have elected not to choose any noncancer toxicity values for TCE. Rather, we will allow cancer-risk considerations to dominate the evaluation of TCE as they are protective of noncancer risks as well.
(USEPA 2008b)

The values at the Bally Site meet the cancer risk levels and performance goals specified in Paragraph 8.3 of the AOC. Therefore, the purpose of the AOC as specified in Section 2.1 has been met and no removal action is necessary. AHI is already in compliance with the Statement of Purpose and execution of the AOC by USEPA is not necessary.

Sincerely,



Frank Natitus P.E.
Project Manager

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Copies:

Mitch Cron, USEPA
Lorelei Borland, AHI
Rick Mowrey, AHI
Mike Bedard, ARCADIS
Nadine Weinberg, ARCADIS

References:

NYSDOH. 2006. Guidance for Evaluating Soil Vapor Intrusion in the State of New York. New York State Department of Health. October.

USEPA. 2001. Trichloroethylene Health Risk Assessment: Synthesis and Characterization. External Review Draft. EPA/600/P-01/002A. U.S. Environmental Protection Agency, Office of Research and Development, Washington, DC. August.

USEPA. 2008a. Regional Screening Levels for Chemical Contaminants at Superfund Sites. July 7.

USEPA. 2008b. Memo to Mitch Cron, RPM, from Jennifer Hubbard, Toxicologist, Technical Support Branch, U.S. Environmental Protection Agency, Region III, Philadelphia, Pennsylvania. RE: Review of Bally TCE Correspondence. August 19.